

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Bail Appl..No. 4322 of 2007()

O.R.NO.21 OF 2007 OF PARUTHIPALLY FOREST RANGE, TRIVANDRUM
FOREST DIVISION
.....

: PETITIONER/2ND ACCUSED

HAMEED.A,S/O.LATE ALIYARUKUNJU MUSALIAR,
AGED 60 YEARS, FATHIMA COTTAGE,
KOTTOOR (P.O.)KUTTICAL,TRIVANDRUM.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.SABU SREEDHARAN

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/07/2007, ALONG WITH BA NO. 4547 OF 2007, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.Nos.4322 and 4547 of 2007

Dated this the 23rd day of July 2007

O R D E R

These applications by the common petitioner are for anticipatory bail. He is the first accused in O.R.No.13/07 and the second accused in O.R.No.21/07. It is not disputed that the petitioner is entitled to transport acacia poles from the forest to the Hindustan News Print Factory. The crux of the allegations is that he, in collusion with another, instead of transporting the same to the Hindustan News Print Factory was involved in an attempt to sell acacia poles to some others outside. The alleged incident took place on 19/6/2007 and 23/6/2006. The acacia poles have been recovered. The petitioner has to be interrogated. He was summoned to appear before the forest officials. He did appear before the forest official on one day. But he did not wait for the investigating officer to reach the forest station. He went away from the forest station without waiting; and instead filed this application. This, in short, is the allegation.

2. The learned counsel for the petitioner submits that

the allegations are totally false and are raised with vexatious intent. The petitioner even admittedly has the right to transport acacia poles. The allegation that it was not meant for transportation to Hindustan News Print Factory is not justified. Moreover, even going by the version of the prosecution, the petitioner has faithfully complied with the direction to appear. Recovery is already effected. In these circumstances, the petitioner may be saved from the undeserved trauma of arrest and detention in custody, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor only submits that appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation.

4. I have considered all the relevant inputs. Broad circumstances having already been indicated by me earlier. I am satisfied that the prayer of the petitioner which is not seriously opposed can be granted, subject of course to appropriate and strict conditions.

5. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned

Magistrate having jurisdiction at 11 a.m on 30/7/2007.

ii) He shall be released on regular bail on condition that he executes bond for Rs.50,000/-(Rupees fifty thousand only) in each case with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 4 p.m on 31/07/2007, 01/08/2007 and 02/08/07, thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 30/7/2007, he shall be released from custody on their executing a bond for Rs.50,000/-(Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 30/7/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007